

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CT-3323-D

WILLIAM LEE McCULLEN,
Plaintiff,

v.

DR. LAND, et al.,
Defendants.

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ORDER

On June 1, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 12]. In that M&R, Judge Numbers recommended that the court dismiss William Lee McCullen’s (“McCullen”) claims against the North Carolina Department of Public Safety (“NCDPS”). Id. Judge Numbers also directed the clerk of court to continue management of McCullen’s claims against the remaining defendants. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 12].

In sum, McCullen's claims against NCDPS are DISMISSED. McCullen may proceed with his claims against defendant Land and defendant Duggins. The clerk shall manage the action pursuant to Standing Order 14-SO-02. If service on any defendant pursuant to the standing order fails, the court DIRECTS the United States Marshal Service to make service pursuant to 28 U.S.C. § 1915(d).

SO ORDERED. This 11 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge